

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

**MID-AMERICA BANK & TRUST
COMPANY,**

Plaintiff,

vs.

**MIDDLE AMERICA WIRELESS, LLC,
and SMALL BUSINESS
ADMINISTRATION,**

Defendants.

Case No. 08-03336-CV-S-GAF

ORDER

Presently before the Court is Defendant Middle America Wireless' ("MAW") Motion to Strike Mid-America Bank & Trust Company's ("Mid-America") Affirmative Defenses pursuant to Fed. R. Civ. P. 12(f). (Doc. #78). MAW requests the Court to strike from Mid-America's Answer to MAW's Counterclaim paragraphs 18 through 47 under the heading "Affirmative Defenses," arguing that these paragraphs do not contain defenses or that they are immaterial and irrelevant. *Id.* Mid-America objects. (Doc. #93). After review and consideration of the paragraphs at issue, it is

ORDERED that MAW's Motion to Strike is **DENIED**.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: August 10, 2009